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**IN THE SUPREME COURT STATE OF ARIZONA**

In the Matter of:	)	
	)	Supreme Court No. R-__-__
PETITION TO AMEND	)	[Clerk's office will assign number]
RULE OF THE SUPREME	)	
COURT 37(d)(1),	)	<b>Petition to Amend Rule of</b>
REGULATION OF THE	)	<b>the Supreme Court 37(d)(1),</b>
PRACTICE OF LAW	)	<b>Regulation of the Practice of</b>
	)	<b>Law</b>
_____	)	

Pursuant to Rule 28, Rules of the Supreme Court, Kenneth David Eckhauser respectfully petitions this Court to adopt amendments to Rule of the Supreme Court 37(d)(1), Regulation of the Practice of Law, governing the Refund of Fees, as provided in Appendix 1.

**I. Background and Purpose of the Proposed Rule Amendments**

Pursuant to Arizona Supreme Court Rule 35(c)(3) an applicant seeking to sit for the Arizona Bar Exam a fourth time must submit a written request to the Arizona Committee on Examinations to obtain their approval. Arizona Supreme Court Rule 37(d) governs the Refund of Fees, and requires that an applicant submit a written request to withdraw by the filing deadline in order to receive a partial refund. Ariz. Sup. Ct. R. 37(d)(1) can be interpreted to suggest that those applicants are sitting

for the Arizona Bar Exam either for a second or third time, and receive immediate approval upon filing their registration documents. However, Ariz. Sup. Ct. R. 37(d)(1) does not account for those applicants that must obtain approval from the Committee on Examinations pursuant to Ariz. Sup. Ct. R. 35(c)(3). An applicant could receive approval two weeks after the registration deadline, subsequently choose to withdraw from the examination, and will not be entitled to partial refund because the letter to withdraw was not received prior to the registration deadline.

## **II. Contents of the Proposed Rule Amendment**

I respectfully submit the following amendment to Ariz. Sup. Ct. R. 37(d)(1) to include, "...provided the applicant notifies the Committee in writing no later than the filing deadline for that examination as set by the Court. If an applicant receives approval pursuant to Ariz. Sup. Ct. R. 35(c)(3), the applicant must submit a written request to withdraw that is post marked within five calendar days of receipt of approval by the Committee to be entitled to a partial refund. No part of the fees paid to the National Conference of Bar Examiners is refundable."

RESPECTFULLY SUBMITTED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

By\_\_\_\_\_

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Petitioner

## **Appendix 1**

Ariz. Sup. Ct. R. 37(d) Refund of fees.

1. An applicant who submits an application for admission by Arizona uniform bar examination and who has paid the fees required by these rules and thereafter withdraws the application or fails to appear for the examination applied for, shall be entitled to a partial refund or credit of the fees paid, as established by the Court, provided the applicant notifies the Committee in writing no later than the filing deadline for that examination as set by the Court. No part of the fees paid to the National Conference of Bar Examiners is refundable.